

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SALVATORE P. SCOTTI and	:	
DAWN M. SCOTTI, his wife	:	
441 S. 9 <sup>th</sup> St.	:	
North Wales, PA 19145	:	
Plaintiffs	:	NO.
	:	
v.	:	
	:	
THE CONTI GROUP	:	JURY TRIAL DEMANDED
2045 Lincoln Highway	:	
Edison, NJ 08817	:	
South Plainfield, NJ 07080	:	
Defendant	:	

**COMPLAINT**

**PARTIES:**

1. Plaintiffs, Salvatore P. Scotti (hereinafter "Plaintiff Husband") and Dawn M. Scott (hereinafter "Plaintiff Wife"), are adult individuals, married to each other, with a principal residence at 441 South 9<sup>th</sup> Street, North Wales, Montgomery County, Pennsylvania 19145.

2. Defendant, The Conti Group, (hereinafter "Defendant Conti"), is a corporation which regularly does business in the State of Pennsylvania, with a corporate headquarters at 2045 Lincoln Highway, Edison, New Jersey 08817.

**JURISDICTION AND VENUE:**

3. Jurisdiction is pursuant to 28 U.S.C. §1332 in that plaintiff and defendant are citizens of different states.

4. Venue is proper in the Eastern District of Pennsylvania as the cause of action arose from a trip and fall accident which occurred in Bucks County, Pennsylvania.

**FACTS:**

5. On or about November 17, 2008, Plaintiff Husband was an employee of A-Tech Concrete working at a job site in Morrisville, Pennsylvania. Plaintiff Husband was a union mason on this job and a newly hired employee.

6. It is believed and therefore averred that this job site was controlled by the Defendant Conti Group as the general contractor of the entire job.

7. It is believed and therefore averred that Defendant Conti was at no point in time Plaintiff Husband's employer and never directed the plaintiff how he performed his work.

8. The Plaintiff Husband never reported to Defendant Conti and he took no direction from Defendant Conti or saw any evidence Defendant Conti was in charge of his work. Plaintiff Husband received all of his day-to-day direction for work from his employer, A-Tech.

9. On or about November 16, 2008, it is believed and therefore averred that concrete was being tested by unknown inspectors or agents, servants and/or employees of Defendant Conti or one of its subcontractors.

10. This concrete testing caused mounds of concrete to be poured on the street surface of the job site to then be tested for hardness.

11. This testing of concrete caused this work site to become dangerous, cluttered and hazardous in that the concrete after it was tested was allowed to harden and remain on the road surface in approximately two feet by four feet blobs of concrete that resulted in trip hazards for employees.

12. On or about November 17, 2008, plaintiff while in the course of his employment for A-Tech was required to guide fifteen foot, 200 pound bundles of reinforcement bar being moved by a backhoe from one location to another.

13. In the course of guiding the rebar to the new location the plaintiff was required to walk backwards. During this course of walking backwards guiding this bundle of rebar, the plaintiff's right foot came into contact with the aforesaid testing concrete blobs situated on the roadway which caused him to trip and fall, landing in a twisting fashion on his knee and outstretched right hand.

14. It is believed and therefore averred that the subsequent job site clean up was conducted by the Defendant Conti and not by A-Tech.

15. It is believed and therefore averred that there was no clean up done prior to the time that the Plaintiff Husband was forced to confront this dangerous condition.

### **COUNT I**

**PLAINTIFF, SALVATORE P. SCOTTI v. DEFENDANT, THE CONTI GROUP**

### **NEGLIGENCE**

16. Plaintiff incorporates by reference Paragraphs 1 through 15 as though fully set forth herein at length.

17. It is believed and therefore averred that the Defendant Conti owed a duty of care to all who came on the premises or the work site to have a clean work site in accordance with federal and state safety guidelines.

18. It is believed and therefore averred that the Defendant Conti breached its duty of care by failing to have a safe work place and adhering with all applicable regulations.

19. It is believed and therefore averred that the Defendant Conti was negligent in the maintenance of the work site in that it did not properly supervise its employees, clean the work site, warn of danger or assure proper training of all subcontractor employees.

20. As a direct and proximate result of the aforesaid, the Plaintiff Husband was forced to suffer severe and permanent injuries which includes severe shock to his muscles, tendons, ligaments, joints and nervous system which include more specifically carpal tunnel syndrome on the right, elbow injuries, knee injuries including a torn meniscus and other structures in his right knee that required surgery.

21. As a direct and proximate result of the negligence of the Defendant aforesaid, the Plaintiff Husband was forced to undergo two surgeries, one for his carpal tunnel and the other to his right knee.

22. As a direct and proximate result of the defendant's negligence, Plaintiff Husband was caused to suffer a loss of earnings and earning capacity; loss of seniority, loss of benefits, medical expense for medicines, treatment, surgery and therapy all to his great financial detriment and loss.

23. The Plaintiff Husband has been forced to suffer in addition to the aforesaid losses, pain and suffering, emotional distress, disfigurement, loss of enjoyment of life's pleasures, embarrassment and humiliation and other non-economic injuries as the law allows.

WHEREFORE, Plaintiff, Salvatore P. Scotti, prays for judgment in his favor and against the defendant in an amount in excess of \$150,000.00 plus interest and costs as the law may allow.

**COUNT II**

**PLAINTIFF, DAWN M. SCOTTI v. DEFENDANT**

**LOSS OF CONSORTIUM**

24 Plaintiff incorporates by reference paragraphs 1 through 23 as though fully set forth herein at length.

25. As a result of the Defendant's negligence and carelessness, Plaintiff, Dawn M. Scotti, has been and continues to be deprived of the assistance, society and consortium of her husband, Salvatore P. Scotti, all of which has been to her great loss and detriment.

26. As a further result of the Defendant's negligence, carelessness and recklessness, Plaintiff, Dawn M. Scotti,, has expended and will expend various sums of money for medical attention in an attempt to alleviate and cure the injuries of her husband, Salvatore P. Scotti, all to her great financial loss.

WHEREFORE, Plaintiff, Dawn M. Scotti, prays for judgment in her favor and against Defendant, The Conti Group, in an amount in excess of \$150,000.00 plus interest and costs as the law may allow.

Respectfully submitted,

MURPHY, HASKINS AND DENGLER

/s/ Frank P. Murphy

By \_\_\_\_\_  
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